

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STEVEN DARBY MCDONALD,

Plaintiff,

CASE NO. 3:17-cv-05013-RBL-DWC

## ORDER STAYING CASE

KENNETH LAUREN, et al.,

## Defendants.

16 The District Court has referred this action to the United States Magistrate Judge David  
17 W. Christel. The Court's authority for this referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local  
18 Magistrate Judge Rules MJR1, MJR3, and MJR 4. After the District Court Judge adopted a  
19 recommendation from this Court denying Plaintiff's request to vacate the scheduling order in this  
20 case, Plaintiff filed an appeal with the Ninth Circuit Court of Appeals. Dkt. 123. Subsequently,  
21 the Court ordered the Parties to show cause why the case should not be stayed pending the  
22 outcome of the Ninth Circuit appeal. Dkt. 130. Though Defendants did not oppose the stay (Dkt.  
23 137), Plaintiff requested the Court stay only the orders regarding discovery and allow two other  
24 motions to move forward (Dkts. 134, 139). Plaintiff also provided the Court notice that he is

1 withdrawing his Motion for the Court to Issue a Show Cause Order to the Attorney General (Dkt.  
2 107) (“Motion to Show Cause”). *See* Dkt. 134.

3 Plaintiff argues the undersigned Magistrate Judge does not have authority to stay the case  
4 because he has filed an objection with the District Court Judge, and this Court does not control  
5 the District Court’s docket. Dkt. 139 at 2 (citing *United States v. Rivera-Guerrero*, 377 F.3d  
6 1064 (9th Cir. 2004)). However, the District Court Judge has referred this case to the  
7 undersigned Magistrate Judge pursuant to 28 U.S.C. § 636, providing the Court with the  
8 authority to determine non-dispositive pretrial matters. *Maisonville v. F2 America, Inc.*, 902 F.2d  
9 746, 747-48 (9th Cir. 1990). A motion to stay, even if it temporarily terminates a matter before  
10 the District Court, is certainly a non-dispositive pretrial matter this Court has the authority to  
11 determine.

12 Therefore, it is ORDERED:

- 13 1) The Court notes Plaintiff’s withdrawal of his Motion to Show Cause (Dkt. 107). The  
14 Clerk is directed to strike the Motion to Show Cause (Dkt. 107).
- 15 2) This matter is otherwise stayed until 30 days after the Ninth Circuit Court of Appeals  
16 has ruled on Plaintiff’s appeal.
- 17 3) Defendants are directed to file a status report every 90 days. Defendants’ report must  
18 include the current status of the Ninth Circuit’s proceedings.
- 19 4) The Parties are directed to submit no further filings in this action, with the exception  
20 of Defendants’ status report(s), until the Ninth Circuit has terminated review and the  
21 Court has lifted this stay.

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- 5) The Clerk is directed to terminate all pending motions (Dkts. 80, 85, 88, 92, 93, 99, 108, 129, 138). The Court will direct the Clerk to re-note those motions for consideration after the Ninth Circuit has resolved Plaintiff's appeal.
- 6) The Clerk is further directed to note a due date on the Court's calendar 90 days from the entry of this order.

Dated this 26th day of February, 2018.

David W. Christel  
David W. Christel  
United States Magistrate Judge